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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,496	09/07/2001	Johan Lindstrom	47874.263446	6022
22242	7590	01/09/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			SMITH, TYRONE W	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/682,496	LINDSTROM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tyrone W Smith	2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-5,9-11 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,12-19 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on September 9, 2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 6, 7, 8, 12-19 and 23 rejected under 35 U.S.C. 102(a) as being anticipated by Ranson et al (GB 2346351A).

Regarding Claims 1, 6-8, 12 – 19 and 23. Ranson discloses a motor vehicle having an electric motor for damping torque changes which includes a drive engine/internal combustion engine (Figure 1 item 10) coupled to a drive line and acting on the drive engine and/or drive line with a driving or braking torque by an electric motor (Figure 1 item 13) (abstract, column 1 lines 1 – 21, column 2 lines 1 – 15). The electric motor is coupled to the drive engine or constitutes a part of the drive line and controlling the electric motor using a control system (Figure 1 item 15), where the control system sends a pulse to the electric motor when change in the load occurs (abstract, page 4 lines 1 – 24, page 5 lines 1 – 2 and page 9 lines 18 – 20), thereby providing a

supply or absorb torque or take up play to reduce oscillations in the drive line caused by the rapid torque changes (abstract, page 4 lines 1 – 24 and page 5 lines 1 – 2).

Regarding Claim 2. Ranson discloses measuring the torque applied to the driveline in current operating conditions (Figure 1; column 4 lines 1 – 10).

4. Claims 1, 2, 6, 7, 8, 12-19 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Strandell et al (6505109).

Regarding Claims 1, 2, 6 – 8, and 13 – 19 and 23. Strandell discloses a arrangement and method for a driving unit in a vehicle which includes drive engine (Figure 1 item 1) coupled to a drive line in the vehicle and acting on the drive engine and /or the drive line with a braking or driving torque by the electric rotor machine/motor (Figure 1 item 9). The electric rotor machine is coupled to the drive engine or constitutes a part of the driveline. The control unit (Figure 1 item 12) sends a pulse to the control device (Figure 1 item 15) then to the electric rotor machine, for load changes and/or correction, prompting a torque pulse from the electric rotor machine to take up play in the drive line before torque from the engine occurs. Refer to the abstract, column 3 lines 47 – 67, column 4 lines 1 – 58, and column 5 lines 14 – 23.

Regarding Claim 12. The control unit (Figure 1 item 12) sends a pulse to the control device (Figure 1 item 15) then to the electric rotor machine, for load changes and/or correction, prompting a torque pulse from the electric rotor machine to take up play in the drive line before torque from the engine occurs. Refer to column 5 lines 14 – 23.

5. Claims 3 – 5, 9 – 11, and 20 – 22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art(s) of record does not disclose only or in combination selecting the height and/or

duration of the pulse from a matrix in the a memory based on the torque applied; the size and duration of the pulse are linked to different operating conditions.

### **Response to Amendment/Arguments**

6. Applicant's arguments filed November 24, 2003 have been fully considered but they are not persuasive.

Applicant argues that the independent claims 1, 7, and 16 specify that the electric motor generate "exactly one" torque pulse as versus to only "a" torque pulse.

Examiner believes that "a" as defined in Merriam-Webster's Collegiate Dictionary 10<sup>th</sup> Ed to mean one designation or used before a singular noun, in this case "a" torque pulse from the electric motor means one torque pulse from the electric motor.

Examiner suggests that the Applicant amend the claims to overcome the current rejection.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith  
Patent Examiner

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**RINA DUDA**  
**PRIMARY EXAMINER**